

Applicants: Heribert LORENZ et al.
Application No. 10/642,917

REMARKS

Applicants respectfully requests reconsideration and allowance of this application in view of the amendments above and the following comments.

Claim 1 is pending. Support for the amendment to claim 1 is found on page 2.

Claim 1 stands rejected as being obvious under 35 USC 103 in view of Audoussel and Rose. Audoussel teaches a composition containing

- (1) benzimidazole derivative
- (2) metaphenylenediamine
- (3) para or ortho oxidation dye precursor

However, the Andoussel compounds are selected by the examiner from a long list of compounds. Nowhere does Andoussel teach the applicant's invention wherein all 3 compounds are required in a single composition. Rather, the reference merely suggests some options for component (3), as 'one or more'. None of the examples of the reference teach or suggest the specific claimed combination.

In fact, Audoussel teaches away from applicant's invention, as the reference requires that the composition additionally contain benzimidazole. It is a far stretch from a teaching of a composition requiring benzimidazole and a chosen compound from a long list of additional compounds, to reach applicant's invention. As the focus of Audoussel is on the novel effect of the prime component benzimidazole, the skilled artisan would simply not look to this reference for a specific combination of three types of components chosen from

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among the many listed coupling/developing agents.

Applicant has amended claim 1 to define the included developing and/or coupling compounds as 'consisting of' certain compounds. Accordingly, benzimidazole is excluded from the coverage of the claim. The skilled person would presume from Audosset that benzimidazole was required for good results. Accordingly, it can not be obvious that a composition based on the specific combination of components, of which benzimidazole can not be one of the components, nevertheless provides excellent results. There is simply no teaching to make applicant's specific invention to the exclusion of the main component of Audosset.

Wherefore, withdrawal of the rejection and allowance of all claims is earnestly solicited.

Respectfully submitted,

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